

**LEGISLATIVE COUNCIL.**

Tuesday, September 20, 1955.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2 p.m. and read prayers.

**MOTOR VEHICLES REGISTRATION FEES (REFUNDS) ACT.**

His Excellency the Lieutenant-Governor intimated by message his assent to the Motor Vehicles Registration Fees (Refunds) Act.

**QUESTIONS.****TRANSPORT CONTROL BOARD'S FUNDS.**

The Hon. E. ANTHONY—In view of the very healthy condition of the Transport Control Board's funds and the fact that the board's profit is likely to be very much greater this year, has the Minister of Local Government considered the advisableness of having that money paid into the Highways Fund?

The Hon. N. L. JUDE—I could only wish that the honourable member were correct in the matter of "the healthy condition" of the funds. Most members are well aware that the Transport Control Board will lose all fees previously paid by interstate hauliers which, although not a tremendous amount, were a reasonable asset of the board. I think the suggestion has some merit, but I would add that it is not the policy of Governments, generally speaking, to earmark particular funds for particular departments unless approved by Parliament in the first instance.

**FROST DAMAGE.**

The Hon. C. R. STORY—Will the Chief Secretary ascertain the extent of the frost damage sustained in fruit growing areas during last weekend?

The Hon. A. L. McEWIN—I will refer the question to the Minister concerned.

**MOTION FOR ADJOURNMENT:  
MARGARINE INDUSTRY.**

The Hon. F. J. CONDON (Leader of the Opposition)—I move—

That the Council at its rising adjourn until 1 p.m. on Tuesday, September 21

in order to discuss a matter of urgency, namely, the importance of the margarine industry with regard to increased quotas. I am sorry that I have been forced to take this action. Parliament has discussed the question of the necessity to increase margarine quotas because of the increase in population, but the time has arrived when the matter should be discussed again. I am appealing now to the

Government to introduce legislation to increase the quota, and I am taking a reasonable view of what the quota should be. On several occasions I have endeavoured to ascertain the Government's intentions regarding such legislation, but without success. I have asked several questions in this House and contend I am entitled to a little courtesy. If an honourable member asks a question he should be supplied with the information sought and not have to read a reply given in the press. After having asked several questions I asked another on August 16 and was informed that the matter would be brought under the notice of the Minister concerned. Next day a question, undoubtedly inspired, was asked in the Assembly and a full reply given. I object to information which I was seeking being supplied in the other House. In saying that, I realize that the Minister controlling the department is not a member of this Chamber.

An injustice is being done to South Australian consumers, particularly those on the lower incomes and pensions. Table margarine is not being manufactured in South Australia at the moment, and can be secured only as a result of importation from other States, as the quota per head of population in those States is much higher than in South Australia. Manufacture here ceased by both companies at the end of August. I am again appealing to the Government to rectify what I consider is a lamentable injustice. The demand for more margarine is due to increased population, including the arrival of new Australians. During the year manufacturers have continually refused to increase their quotas to storekeepers. That has been necessary in order for them to comply with the laws of this State. I know of no other industry similarly treated. Why should this industry be singled out when there are others in competition with butter? There has been no suggestion of penalizing them.

The Hon. Sir Frank Perry—What are those industries?

The Hon. F. J. CONDON—Lard and others which I could mention. I do not intend to allow South Australian manufacturers to be penalized. In 1952 I introduced a Bill to amend the Margarine Act and at that time the South Australian quota was 312 tons a year. My Bill was to increase it to 624. Had it been carried, I would not now be on my feet. The demand cannot be met.

We talk about increased production and the cost of living, and yet when people want to purchase a cheaper article they are not allowed

to do so. I want to know what the Government intends to do, because we will be placed in the same position as during the past two years when the margarine factories were closed and men were put off. It took a considerable time for them to be re-engaged, despite the fact that at the time margarine was being imported, particularly into the districts represented by honourable members who protested against its manufacture. This imported margarine costs 4d. a pound more than the local manufacture, yet not one of those members lifted his little finger to oppose its importation. They say they are out to protect industry. Why did not they do it on that occasion? All they were concerned about was the penalizing of the local manufacturer, and at the same time allowing margarine to be introduced and sold at 4d. a pound more than the recognized price in South Australia.

The Hon. Sir Lyell McEwin—Where, and how much?

The Hon. F. J. CONDON—At Renmark, Berri, Mount Gambier, and other places. I cannot say, nor can any other honourable member say, how much was imported, and the Chief Secretary knows as well as I do that under section 92 of the Commonwealth Constitution the introduction of articles from other States cannot be prevented so long as they comply with the stipulated standards. I think we are doing an injustice to our industries, whereas we should be encouraging them. Again I challenge the Chief Secretary or any other honourable member to say where anything similar has been done to any other industry. The margarine industry is a small one, but if it were larger there would be a hue and cry against the action of Parliament in preventing margarine from being manufactured here. If any member were to say that this article was not to be manufactured and consumed here, nor be allowed to be imported from another State, we would soon see where he got off. If it is desired to be fair and reasonable, why interfere and at the same time boast so much about increased production and talk about the increased cost of living. Nobody is told to buy margarine and if they want to buy it why should they not be allowed to do so? Why should we say that any person shall eat a certain commodity and not another? I appeal to the fairness of members in their consideration of this matter. I know there are some in this Council who disagree with me, but at least I am sincere in my remarks. If we want to meet the present position we should not deny any consumer the right to purchase an

article if it is cheaper and satisfactory. In the *Advertiser* of July 6 the following appeared:—

Canberra, July 5. Quotas for margarine production in Australia are to be reviewed this year it was decided by the Australian Agricultural Council today. The council made this decision after consideration of the relationship between margarine and butter production. The Standing Committee on Agriculture at a meeting in December, will now be asked to recommend a total quota and its distribution among the States.

The Minister of Agriculture from each State and a Commonwealth representative comprised that council. The Hon. A. W. Christian could not attend, but was represented by the Hon. C. S. Hineks, who agreed that the matter should be reviewed. In September the Directors of Agriculture from all parts of the Commonwealth met in the precincts of this building, and I would like to know their recommendation.

The Hon. E. Anthoney—Can we act without that recommendation?

The Hon. F. J. CONDON—I do not think so, but are we to sleep until next year and consider it next January? I want to know what the Government is doing to put into effect the decision arrived at in Canberra last July. The quota for the whole of Australia is 8,722 tons a year. Of this South Australia's quota is 468 tons, which is one-nineteenth instead of one-tenth. In the *Sunday Mail* of July 30 last, under the heading "Message from Sydney" the following appeared:—

Australian permitted margarine output is likely to be lifted from 8,722 tons to 20,000 tons a year. Quotas were fixed by the committee in 1940 in all States except Queensland. Queensland's quota in 1951-52 was 4,236 tons. Other States' quotas are—New South Wales, 2,250 tons; Victoria, 1,196; South Australia, 468; Western Australia, 364; and Tasmania, 208.

Where is there a bigger dairying State in Australia than Queensland? On a population basis South Australia's quota is far below any other State. The article continued:—

The Australian Agricultural Council decided in Canberra on July 5 to ask the committee to review the quota.

That means that the Ministers of Agriculture have asked what I am asking today, and I am urging the Government to put into effect what was decided.

The Hon. Sir Frank Perry—Was our own Minister in agreement?

The Hon. F. J. CONDON—I take it he was.

The Hon. E. H. Edmonds—This State on its own could not break away from the agreement.

The Hon. F. J. CONDON—All I want to know is what this State has done to put into

effect the decision reached at the conference, and I am trying to urge the Government to take some action and decide one way or the other what its intention is. In the past the industry was closed down and people were denied the right to purchase a cheaper article. I do not want a repetition of that without making some protest. We have fixed wages today and an ever-increasing cost of living, yet we deny people the right to purchase an article that has been sold in this State for as long as I can remember. If an industry in which other members were interested was treated like this I know very well what their attitude would be. I have no interest in this matter except on behalf of the consumers.

The Hon. E. Anthony—Is anyone going without margarine?

The Hon. F. J. CONDON—Of course they are. These plants have been closed down since August 31. They were closed last year, and it has happened every year. Quotas have not been increased yet there has been an increase in population and in the demand.

The Hon. C. R. Cudmore—What is the restriction on New South Wales margarine coming here?

The Hon. F. J. CONDON—There is no restriction, because, under section 92 of the Constitution, any other State can send goods into South Australia.

The Hon. Sir Frank Perry—There is a law preventing it.

The Hon. F. J. CONDON—Then why did not the Government take action when I brought up this matter at the time when margarine was sold at Mount Gambier at 2s. 11½d. a lb. instead of the fixed price of 2s. 7d. It was also sold at Berri, Waikerie, Barmera and Renmark at the same price. Admittedly, the Government tried to stop it, but it knows as well as I do that it cannot do so. My friends opposite never offer any objection to New South Wales margarine coming into South Australia, but only to its being manufactured in South Australia.

The Hon. C. R. Cudmore—You voted for price control, did you not?

The Hon. F. J. CONDON—Yes. I am only a voice in the wilderness, but I will continue to complain about an injustice. Probably I should be one of the last to be advocating this course of action because I am not a captain of industry. I am, however, concerned with the interests of the consumer who finds he cannot purchase margarine, and cannot buy butter because the price is too high.

The Hon. E. Anthony—Is margarine still coming in from other States?

The Hon. F. J. CONDON—Of course.

The Hon. E. Anthony—Then consumers can purchase it.

The Hon. F. J. CONDON—But not the South Australian article, and that is what I am complaining of. Why penalize the South Australian manufacturers, however small or large their industry may be, while shutting our eyes to the importations?

The Hon. N. L. Jude—How many manufacturers are there in South Australia?

The Hon. F. J. CONDON—Only two. I would support the lifting of all controls and let everything come in, but immediately we say that a man shall manufacture only a certain amount annually he has to close his plant each year because the demand quickly absorbs his full production. People at Woomera, Port Pirie, from the West Coast and the north-south and east-west railway lines are continually writing and asking that the quotas should be increased, but the manufacturers say that they want to keep within the law and are trying to ration their supply over the year. I know of instances where friendships have been broken because businessmen cannot provide their customers with what they want. Had the Government told me that it was prepared to discuss the matter I would have been satisfied, but on the information I have received and from reports from the press I am not satisfied that the Government is awake to its responsibilities. The chairman of the dairying section of the South Australian division of the A.A.P.U. (Mr. Male) said:—

South Australia is short of margarine and the influx of migrants had produced a demand for it. Our quota is liberal as far as dairy producers are concerned, but a lot more could be sold.

The present consumption per head of population is a little over 1 lb. annually, so if it were increased to 1½ lb., it would not interfere with the dairy industry in any way. I fail to see why there should be any objection to this.

The Hon. E. Anthony—By how much does the honourable member suggest it should be increased?

The Hon. F. J. CONDON—That is a matter for the Agricultural Council to determine. The Ministers have discussed the matter and referred it to the standing committee and I would leave it to them. However, I would not be unreasonable. I am simply urging a fair increase and am prepared to leave the exact amount to the decision of the Government. We know that the Federal Government reduced the butter subsidy from 10½d. to 7d. a lb. I am informed that dairymen are not receiving any

benefit from this, although the consumers have to pay the increased price ostensibly to assist the dairy industry. Having done so why should they not be able to get a cheaper article as well? The Federal Minister for Agriculture (Mr. McEwin), as reported in the *Advertiser*, on September 1, said:—

Dairy farmers would be better off this year than ever before. . . . He had received no request from the industry for any variation of the Dairying Industry Stabilization Act. Time does not permit it, but I could quote other statements from the press advocating an increased quota. The Agricultural Council and the standing committee have also advocated it and I have simply moved this motion because I cannot get any information as to what is intended by the Government. I urge it to introduce legislation that will be beneficial to the consumers of South Australia.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I have listened with great interest to the honourable member's remarks, but would have found it much easier to follow him had he come straight out and said that in order that we shall have a sufficient supply of margarine to satisfy the requirements of the public all restrictions on its sale should be removed. Then he could have tied it up with his suggestion for free trade; as it stands he did not advance one argument to support such an action. If it is only a matter of margarine the honourable member has indicated that there is plenty available. In Queensland less than 200 tons per annum is manufactured, but the people are getting their margarine, so if we need it it is readily available. The honourable member has said that under section 92 of the Constitution it cannot be kept out of South Australia. If that is so why haven't we got it? The answer, of course, is that the honourable member is not advocating free trade and does not want it any more than he wanted other manufacturers to be permitted to operate when that was suggested by a special committee some years ago. I, too, have not a short memory and I remember the time when a certain primary industry could not market its production for a long period. I cannot remember the honourable member then speaking on behalf of the producers or the consumers, so it simply boils down to the fact that he is suggesting that some information regarding discussions of the Agricultural Council is being withheld from him. There were discussions and there is nothing terribly secret about them. However, when the honourable member gets all the inform-

ation he will be no further ahead than he is at the moment because everyone is fully aware that the High Court has maintained that this legislation is sound. Whatever it may have done about other legislation, the quotas agreed upon by the Agricultural Council, and which were imposed in 1940 when everybody agreed that they would not vary the quotas until all the States agreed, were declared valid. However, there have been increases in the quotas in some States, whether by way of legislation I do not know, but I am afraid that we have to stand a guilty party for having broken that agreement when we supported the Bill introduced by the honourable member and increased the quota from 312 tons to 468 tons.

The original quotas for the whole of Australia were 3,973 tons in 1940 but had increased to 9,408 tons in 1955. The New South Wales quota was increased from 1,248 to 2,500 tons. The Queensland quota was increased from 645 to 4,236 tons; of this quantity only 172 tons were actually produced whereas the consumption was 1,710 tons. I heard the honourable member refer to a population basis, but I draw attention to the lopsided nature of the quota in Queensland. With a population not so much greater than that of South Australia the quota is nearly double that of New South Wales.

The Hon. F. J. Condon—I dispute your figure of 172 tons in relation to Queensland.

The Hon. Sir LYELL McEWIN—You may dispute it. I remember the honourable member's remark earlier about inspired questions, but the fact remains that my figures are official. It is interesting to note that any figures the honourable member has quoted agree with those I have here, so obviously if they are incorrect we cannot place much reliance on his figures. It is also interesting to note the estimated production of the various States. In New South Wales the quota this year is 2,500 tons (1,248 in 1940) and estimated production for 1953-54 was 9,000 tons, plus, whereas the estimated consumption for that year was 5,000 tons. In Queensland the quota for 1940 was 645 tons, the quota for 1955 was 4,236 tons, the estimated production for 1953-54 was 172 tons, and consumption 1,710 tons. Obviously some of their margarine is coming from New South Wales. In Victoria the quota is still the same as in 1940, namely, 1,196 tons, the estimated production last year was 902 tons and the estimated consumption 3,069 tons, plus. In South Australia the quota has been increased from 312 tons to 468 tons, the estimated production last year was 468 tons

and estimated consumption 468 tons, plus. In Western Australia the 1940 quota was increased from 364 tons to 800 tons, the estimated production last year was 600 tons and estimated consumption 600 tons, plus. The figures in Tasmania are 208 tons in each case. The honourable member mentioned there was an attempt to put New South Wales margarine on the market in this State and that it was stopped. An official was sent to the towns he referred to and the influx of this imported margarine was stopped.

The Hon. C. R. Cudmore—On what authority was the distribution of the New South Wales margarine stopped at the border towns?

The Hon. Sir LYELL McEWIN—An officer visited the stores concerned and pointed out that if they continued to deal in this product they would be prosecuted, and consequently they withdrew.

The Hon. C. R. Cudmore—Under what law would they be prosecuted?

The Hon. Sir LYELL McEWIN—I am advised that the High Court has maintained the legality of our legislation which controls the quota, and we also have legislation which controls the quality of our margarine.

The Hon. C. R. Cudmore—And yet it does not work between New South Wales and Queensland at all?

The Hon. Sir LYELL McEWIN—A lot of things don't work in Queensland and New South Wales, but we are discussing the position in South Australia. It all depends whether the administration is prepared to stand up to its legislation.

The Hon. F. J. Condon—What are you going to do about it?

The Hon. Sir LYELL McEWIN—Just as much as the honourable member expects. At the recent meeting of the Australian Agricultural Council it was resolved that:—

In view of the lapse of time since quotas were originally adopted by the council, the subsequent action by some States in departing from those quotas, and the implications for the dairy industry of an unregulated growth in the margarine industry, council considers it desirable to review the 1940 quotas. Council agrees that a new total quota should be fixed in the light of these circumstances and of present consumption levels, and asks the standing committee at its September meeting to recommend a total quota and its distribution among the States. The standing committee should suggest special arrangements where export production is feasible.

The standing committee met in Adelaide on August 29 and 30 and came to certain decisions which will be reported at the next meeting of the Australian Agricultural Coun-

cil as recommendations on the subject. The date of the next council meeting has not yet been fixed. Until a decision is reached by the Commonwealth and State Ministers at the next Australian Council meeting it would not be proper, and certainly very undesirable, for the States to introduce legislation to increase the quota. The same chaotic conditions would arise as existed prior to the Marrickville case being decided by the High Court. We are able to exclude interstate margarine and protect our own manufacturers, but if we start at this juncture to alter our quota independently of other States it would be an open invitation for them to do likewise, and we would not be able to stem the tide of excess margarine production flooding our own market.

The Hon. F. J. Condon—The New South Wales case has been before the court for three years and is not finalized yet.

The Hon. Sir LYELL McEWIN—What difference would it make? I am not disputing how long it has been before the court, but there is now an appeal to the Privy Council, and no doubt the Australian Agricultural Council will refrain from increasing any quotas until its decision is known. Mr. Condon has raised the question of injustice. The margarine industry in South Australia is very small and everyone connected with it knew his position when it was established, but apparently the prospects are so good that others are seeking to get into the trade here. When the honourable member talks about the open road, it is just as well for him to be consistent in his advocacy and not try to restrain things in one direction and suggest boosting them in another.

As a background to this question, I should like to mention that there are about 12,500 farms in South Australia carrying cows, and the owners are not working under conditions similar to those of men in other protected industries. Theirs is a seven day a week industry, and represents capital of between £50,000,000 and £60,000,000. When we are talking about 100 tons or so of margarine, it is just as well to consider the whole picture and how far we desire to have freedom, and then decide whether we can stick to this open road the honourable member has suggested.

The Hon. F. J. CONDON (Leader of the Opposition)—I want it to be understood that I have no personal interest in this matter and have submitted my case to indicate to honourable members what will happen. The Chief Secretary mentioned what the Agricultural Council proposed to do and referred to the

case in New South Wales. To my knowledge it has been before the court for three years and is not yet decided. I want to know whether any other industry is treated like the margarine industry. In spite of what the Minister says about the numbers of farmers engaged in the dairy industry, I draw attention to the number of recent sales at exorbitant prices of dairy herds and farms. I ask members not to be selfish and remember that the consumers have to be considered. I ask leave to withdrawn my motion.

Leave granted and motion withdrawn.

#### SUPREME COURT ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General), having obtained leave, introduced a Bill for an Act to amend the Supreme Court Act, 1935-1953.

Read a first time.

The Hon. C. D. ROWE—I move—

*That this Bill be now read a second time.*

The Bill makes two amendments of the Supreme Court Act. The first empowers the Governor to extend the term of an acting Judge to enable him to complete cases which are part heard at the time when his appointment would normally end. Although this question arises in connection with Mr. Justice Hannan's appointment, it is an old problem and has occasioned some difficulty in the past. An acting Judge is appointed to act in the stead of a permanent Judge until the permanent Judge returns to the execution of his duties. The date of return is sometimes not known in advance, and as a result the acting Judge may commence the hearing of cases which may be part heard at the time when the permanent Judge returns. On the other hand, if the acting Judge is to take only cases which can be quickly disposed of his usefulness is considerably limited. In any event one never knows what difficulties may arise or what adjournments may be necessary even in an apparently simple case.

The Government considers that in the interests of the public it should have power to extend the term of office of an acting Judge, if that course should be found necessary in order to enable him to complete pending cases. It is proposed to confer such a power by clause 3. Honourable members will notice the Governor, before granting an extension, has to be satisfied that such extension is necessary in order that the acting Judge may complete cases which may be pending before him at the time when his acting appointment would normally expire.

The other clause deals with the powers of Commissioners appointed to hold circuit sessions of the Supreme Court. In the past it has been found necessary from time to time to appoint a person, who is not a Judge, as a Commissioner to hold circuit sessions of the Supreme Court. The terms of the Commissioner's appointment are that he is to hold circuit sessions of the Supreme Court at the time and in the place named in his commission. Under these terms doubts have arisen whether a Commissioner, who is not a Judge, has power to adjourn a case to Adelaide—*e.g.*, for the taking of further evidence, or for argument, or for delivery of judgment. These doubts are shared by His Honour the Chief Justice. It is certainly arguable from the language of section 53 of the Supreme Court Act that the Commissioner must, as the law now is, complete the case in the place named in the commission. The Government considers that the opportunity should now be taken to settle this question and asks Parliament to remove the doubts by providing expressly that a Commissioner shall have power to sit and act at any time and in any place and to adjourn from time to time and from place to place, as provided in section 45 of the Supreme Court Act. As there is some urgency about this Bill the Government submits it with the request that members will give it consideration as soon as possible.

The Hon. C. R. CUDMORE secured the adjournment of the debate.

#### PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT BILL.

Read a third time and passed.

#### REGISTRATION OF BUSINESS NAMES ACT AMENDMENT BILL.

Read a third time and passed.

#### MINES AND WORKS INSPECTION ACT AMENDMENT BILL.

Read a third time and passed.

#### DRAUGHT STALLIONS ACT REPEAL BILL.

Read a third time and passed.

#### DAIRY CATTLE IMPROVEMENT ACT AMENDMENT BILL.

Read a third time and passed.

#### PRICES ACT AMENDMENT BILL.

Read a third time and passed.

#### ADJOURNMENT.

At 3.05 p.m. the Council adjourned until Wednesday, September 21, at 2 p.m.